

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

In Re:)	
)	
Billy Gene Eddy, Jr., and,)	Case No. 17-11097-R
Reliable Building Services, LLC,)	Chapter 7
)	Substantively Consolidated
Debtors.)	

**MOTION TO APPROVE COMPROMISE OF CONTROVERSIES
AND NOTICE OF OPPORTUNITY FOR HEARING**

Scott P. Kirtley, Trustee of the above-captioned case, moves this Court for an Order approving settlement and compromise of controversies with the Bethany Behavioral Health Hospital (“**Bethany Behavioral**”), pursuant to Federal Rules of Bankruptcy Procedure 9019. In support of this Motion, the Trustee would show the Court as follows:

Background Facts

1. Billy Gene Eddy, Jr. and Reliable Building Services, LLC (the “**Debtor**”) filed voluntary petitions for relief under Chapter 7 of Title 11 of the United States Code on June 1, 2017 (the “**Petition Date**”). These cases were substantively consolidated on February 27, 2018.
2. Scott P. Kirtley is the duly appointed, qualified and acting Trustee of this case.
3. On September 25, 2018, demand was made upon Bethany Behavioral for the payment of one (1) invoice in the amount of \$12,360.00 unpaid by Bethany Behavioral prior to the Debtor filing for bankruptcy relief.
4. On January 10, 2019, the Trustee commenced a small claims case against Bethany Behavioral to collect the unpaid account receivable.

The Controversy

5. Bethany Behavioral responded to the Trustee's small claims case alleging that prior to the termination of its contract with the Debtor, Bethany Behavioral alleged that several pieces of equipment went missing from its facility.

6. Bethany Behavioral sought to setoff a portion of its outstanding bill to reimburse it for the necessary purchase of equipment to replace the missing cleaning equipment.

The Settlement

7. Bethany Behavioral will pay the Trustee the sum of \$7,000.00 for its outstanding balance owed for goods and services rendered by Reliable Building Services.

8. The Trustee will dismiss *Scott P. Kirtley, Trustee v. Bethany Behavioral Health Hospitals*, Case Number SC-2019-309 in the District Court for Tulsa County, State of Oklahoma with prejudice.

9. The effect of timely payment of the amount set forth above hereby completely releases and forever discharges each party from any past, future, or present claim or monetary relief, whether based in tort, contract, or equity.

10. Each party shall bear their own costs and attorney's fees.

Grounds for Settlement

11. It is in the best interest of the estate and all parties in interest to settle this matter because:

- a. This settlement eliminates the time, expense, and risk inherent in litigation.
- b. The Trustee and Bethany Behavioral were represented by counsel, and the settlement was negotiated in good faith and is fair and equitable.

Notice Of Opportunity For Hearing

Your rights may be affected. You should read this document carefully and consult your attorney about your rights and the effect of this document. If you do not want the Court grant the requested relief, or you wish to have your views considered, you must file a written response or objection to the requested relief with the Clerk of the United States Bankruptcy Court for the Northern District of Oklahoma, 224 South Boulder, Tulsa, Oklahoma 74103, no later than twenty-four (24) days from the date of filing of this request for relief. You should also mail a filed-stamped copy of your response or objection to the undersigned movant/movant's attorney [and others who are required to be served] and file a certificate of service with the Court. If no response or objection is timely filed, the Court may grant the requested relief without a hearing or further notice. **The twenty-four (24) day period includes the 3 days allowed for mailing provided for in Rule 9006(f) Fed. R. Bankr. Proc.**

WHEREFORE, Scott P. Kirtley, Trustee moves this Court to authorize compromise of the settlement of controversies as set forth above.

Respectfully submitted this 7th day of February, 2019.

RIGGS, ABNEY, NEAL, TURPEN,
ORBISON & LEWIS



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